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7 Attorneys for Defendants

CITY OF PETALUMA, OFFICER NICK McGOWAN

8 and SGT. JIM STEPHENSON

9
10 IN THE UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 DAVID W. PIMENTEL,

13 Plaintiff,

14 v.

15 COUNTY OF SONOMA, CITY OF
PETALUMA, OFFICER McGOWAN, POLICE
16 SGT. STEPHENSON, and DOES 1-25,

17 Defendants.

Case No: C08-02121 EMC

**DEFENDANTS CITY OF PETALUMA,
OFFICER NICK McGOWAN AND SGT.
JIM STEPHENSON'S NOTICE OF
JOINDER AND JOINDER TO
18 DEFENDANT COUNTY OF SONOMA'S
19 MOTION FOR JUDGMENT ON THE
20 PLEADINGS [FRCP 12(c)]**

DATE: July 2, 2008

TIME: 10:30am

DEPT: Courtroom C, 15th Floor

JUDGE: Honorable Edward M. Chen

21 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

22 PLEASE TAKE NOTICE that on July 2, 2008 at 10:30 a.m. in the United States District
23 Court, Northern District of California, Courtroom C, which is located at 450 Golden Gate Avenue,
24 San Francisco, California 94102 Defendant CITY OF PETALUMA ("CITY") will join in the
25 Motion for Judgment on the Pleadings filed by Defendant COUNTY OF SONOMA ("COUNTY").

26 The CITY seeks to have Plaintiff DAVID PIMENTEL's cause of action against it regarding
27 the violation of his Fourth and Fourteenth Amendment rights dismissed. The grounds for this
28 requested relief are identical to that asserted by the COUNTY in its Motion for Judgment on the

1 Pleadings. Specifically, as to his allegations against the CITY under the United States Constitution,
2 the Plaintiff's Complaint fails to set forth a basis for liability as a matter of law, pursuant to *Monell*
3 *v. Department of Social Services* (1978) 436 U.S. 658, 691 because the Plaintiff has not alleged that
4 a policy, custom or practice of the CITY caused the alleged constitutional violation. The CITY thus
5 cannot be held liable to the Plaintiff under a theory of *respondeat superior*.

6 The CITY's Joinder of the COUNTY's Motion for Judgment on the Pleadings is based on
7 this Notice of Joinder and Joinder, as well as the COUNTY's Notice of Motion, Memorandum of
8 Points and Authorities, and other papers filed in support of its Motion, if any.

9
10 Dated: May 9, 2008

Respectfully Submitted,

11 MEYERS, NAVE, RIBACK, SILVER & WILSON

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13 By: /s/ Matthew A. Lavrinets

14 Matthew A. Lavrinets
15 Attorneys for Defendants
16 CITY OF PETALUMA, OFFICER NICK
17 McGOWAN and SGT. JIM STEPHENSON

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and SGT. JIM STEPHENSON

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11 NORTHERN DISTRICT OF CALIFORNIA

12 DAVID W. PIMENTEL,

13 Plaintiff,

14 v.

15 COUNTY OF SONOMA, CITY OF
16 PETALUMA, OFFICER McGOWAN, POLICE
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17 Defendants.

Case No: C08-02121 EMC

PROOF OF SERVICE

PROOF OF SERVICE**FRCP RULE 5(b)**

I am employed in the City of Oakland and County of Alameda, California. I am over the age of 18 years and not a party to the within action. My business address is Meyers, Nave, Riback, Silver & Wilson, 555 12th Street, Suite 1500, Oakland, CA 94607.

On May 9, 2008, I served the within:

- **DEFENDANTS CITY OF PETALUMA, OFFICER NICK McGOWAN AND SGT. JIM STEPHENSON'S NOTICE OF JOINDER AND JOINDER TO DEFENDANT COUNTY OF SONOMA'S MOTION FOR JUDGMENT ON THE PLEADINGS [FRCP 12(c)]**

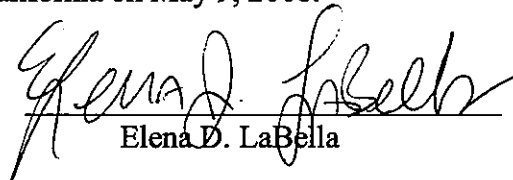
on the parties in this action by placing a true copy thereof in a sealed envelope, addressed as follows:

David W. Pimentel 1192 Liberty Road Petaluma, CA 94952	Plaintiff in Pro Per Telephone: (707) 769-0127
Bonnie A. Freeman, Esq. SENNEFF, FREEMAN & BLUESTONE 50 Old Courthouse Square, Suite 401 Santa Rosa, CA 95404	Attorneys for Defendant COUNTY OF SONOMA Telephone: 707-526-4250 Facsimile: 707-526-0347

X **(By First-Class Mail)** I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Oakland, California. I am readily familiar with the business practice for collection and processing of mail in this office; and that in the ordinary course of business said document would be deposited with the U.S. Postal Service in Oakland on that same day. I understand that service shall be presumed invalid upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED at Oakland, California on May 9, 2008.


Elena D. LaBella